

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 650

REPORTING REQUIREMENTS

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Historical Note: This chapter is based upon §17-626-10 [Eff 7/19/82; am 6/30/83; am 11/12/83; am 12/24/84; R 3/19/93] §17-716-49 [Eff 10/1/83; am 12/27/86; am 5/4/89; am 12/24/90; am 7/20/91; R 3/19/93] §17-716-50 [Eff 10/1/83; am 6/8/84; am 7/23/84; am 10/19/89; R 3/19/93] §17-716-51 [Eff 10/1/83; am 7/23/84; R 3/19/93] §17-716-52 [Eff 10/1/83; am 7/23/84; R 3/19/93] §17-716-53 [Eff 10/1/83; am 7/23/84; R 3/19/93] §17-716-54 [Eff 10/1/83; am 7/23/84; am 10/19/89; R 3/19/93]

SUBCHAPTER 1

PURPOSE AND DEFINITIONS

§17-650-1 Purpose. This chapter establishes the monthly eligibility reporting requirements for recipients of financial assistance and food stamps. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37)

§17-650-2 Definitions. As used in this chapter: "Adequate notice" means a written notice that includes:

- (1) A statement of the action the agency has taken or intends to take;
- (2) The reason for the intended action;
- (3) The specific departmental rule supported by the action;
- (4) The household's right to request a fair hearing;
- (5) The name of the person to contact for additional information;
- (6) The availability of continued benefits;
- (7) The liability of the household for any overpayments received while awaiting a fair hearing if the hearing official's decision is adverse to the household; and
- (8) The availability of free legal representation, if applicable.

The notice may be received prior to agency action, at the time reduced benefits are received, or if benefits are terminated, at the time benefits would have been received if they had not been terminated.

"Budget month" means the calendar month from which the department shall use income of the household to compute the benefit amount that the household shall receive.

"Earned income" means cash received or available to be received by the household which require some activity on the part of the household to produce.

"Irregular unearned income" means cash not classified as earned income received or available to be received in such a way which results in varying monthly amounts.

"Unearned income" means any cash received or available to be received which is not classified as

earned income. [Eff 3/19/93] (Auth: HRS §346-14)
(Imp: 7 C.F.R. §271.2; 45 C.F.R. §§233.10, 233.20,
233.31, 234.60, 234.70; HRS §346-14)

SUBCHAPTER 2

MONTHLY ELIGIBILITY REPORTING

§17-650-3 Households subject to monthly eligibility reporting. (a) The following financial assistance households shall be subject to monthly eligibility reporting:

- (1) All AFDC households;
- (2) All GA households with earned income or irregular unearned income; and
- (3) All AABD households with earned income or irregular unearned income.

(b) The following food stamp households shall be subject to monthly eligibility reporting:

- (1) All households subject to monthly eligibility reporting under any of the department's financial assistance programs;
- (2) All food stamp only households:
 - (A) With earned income;
 - (B) With irregular unearned income such as UIB, TDI, or worker's compensation;
 - (C) With no income unless exempt by section 17-650-9; or
 - (D) Who are required to register for work in the food stamp program;
- (3) Mixed households where part of the household is receiving financial assistance and required to monthly report for the financial program.
- (4) In situations where the household meets at least one criteria from both subsection (b) and section 17-650-9, the household shall not be subject to the monthly eligibility reporting requirements. For example, an AFDC household in which all adult members are elderly or disabled and have no earned income is required to monthly report for the AFDC program. However, this type of household shall be considered exempt from the monthly

reporting requirements for food stamps. [Eff 3/19/93; am 2/7/94; am 7/16/99] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37)

§17-650-4 Monthly eligibility reporting requirements. (a) All households subject to monthly reporting shall report:

- (1) All budget month income, deductions, household composition, and other circumstances affecting the level benefits on a monthly basis;
- (2) Any changes in income, deductions, resources, or other relevant circumstances affecting eligibility which the household expects to occur in the current month or in future months, or which occurred in the budget month; and
- (3) For the food stamp program, the household is not required to monthly report its medical expenses if the expenses were previously reported and verified at the household's last certification or recertification interview. The household may voluntarily report a change in its medical expenses. If a change is reported, the branch shall verify the change in accordance with section 17-647-32(i).

(b) For the food stamp program, no household subject to monthly eligibility reporting shall be required to report changes affecting their eligibility at any other time during the month; provided they may report changes earlier, either in person, by telephone, or in writing.

(c) The department shall supply a form for monthly eligibility reporting.

(d) The branch shall consider a monthly eligibility report incomplete if it is unsigned or omits information and verification necessary to determine eligibility and the level of food stamp benefits.

(e) To be considered as received on a timely basis, the completed monthly eligibility report shall be received by the branch no earlier than the first day after the budget month and no later than the seventh day after the end of the budget month, the date of

return printed on the monthly eligibility report, or the next work day when the seventh day or the printed date of return on the monthly eligibility report falls on a Saturday, Sunday, or a holiday.

(f) When the monthly eligibility report is not received by the branch on a timely basis or the report is incomplete, then benefits shall be discontinued and adequate notice shall be sent. When the recipient submits a completed monthly eligibility report within ten days from the date of this notice (extended filing date), benefits shall be provided as specified in chapter 17-681. [Eff 3/19/93; am 2/7/94; am 8/18/94; am 10/13/95] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37; HRS §346.14)

§17-650-5 Verification of information reported monthly. The branch shall require the household to verify information on the monthly eligibility report as follows:

- (1) For the financial assistance program, the household shall verify gross nonexempt earned income, changes in unearned income and all questionable information.
- (2) For the food stamp program, the household shall verify:
 - (A) Gross nonexempt earned income, changes in unearned income, utility expenses if not claiming the standard, changes reported voluntarily by the household in its medical expenses if the changes would increase the household's food stamp allotment, child support payments, and all questionable information; and
 - (B) Alien status, social security numbers, residency, and citizenship, if these items have changed since the last report. [Eff 3/19/93; am 10/13/95] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37; HRS §346-14)

§17-650-6 Processing of monthly eligibility report. (a) The branch shall review the report to

ensure accuracy and completeness. The report shall be considered incomplete only if:

- (1) It is not signed by the head of the household, an authorized representative, or a responsible member of the household;
 - (2) It is not accompanied by verification of reported earned income; or
 - (3) It omits information necessary either to determine the household's eligibility or to compute the household's benefit level.
- (b) The branch shall determine those items which will require additional verification.
- (c) The branch shall contact the household directly, as needed, to obtain further information on specific items. These items include:
- (1) The effect of a reported change in resources on a household's total resources; and
 - (2) The effect of a reported change in household composition or loss of a job source or earned income on the applicability of the work registration requirement.
- (d) The branch shall notify the household, in accordance with section 17-650-8, of the need to submit a report, correct an incomplete or inaccurate report, or submit the necessary verification within the extension period.
- (e) The branch shall determine the household's eligibility by considering all factors.
- (f) The branch shall determine the household's level of benefits based on the household composition determined in accordance with chapter 17-681.
- (g) The branch shall provide the household with specific information on how the branch determined the household's benefits. This information shall be provided so that the household receives it not later than either the date the resulting benefits are to be received or in place of the benefits if no benefits are to be issued. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37; HRS §346-14)

§17-650-7 Notices. (a) All notices regarding changes in a household's benefits based on information

reported within the monthly reporting system shall meet the definition of adequate notice.

(b) All notices regarding changes in a household's benefits based on information reported outside of the monthly reporting system shall meet the definition of a notice of adverse action as defined in chapter 17-649.

(c) The branch shall notify a household of any change from its prior benefit level and the basis for its determination. If the branch reduces or terminates benefits based on information reported within the monthly reporting system it shall send the notice so the household receives it not later than either the date resulting benefits are to be received or in place of the benefits. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37; HRS §346-14)

§17-650-8 Incomplete filing of monthly eligibility reports. (a) If a household fails to file a monthly report, or files an incomplete report, by the specified filing date, the branch shall give the household at least ten more days from the date the branch mails the notice to file a complete monthly report.

(b) For the food stamp program, the branch shall notify the household within five working days of the filing date:

- (1) That the monthly report is either overdue or incomplete;
- (2) What the household must do to complete the form;
- (3) What the extended filing date is;
- (4) That the branch will assist the household in completing the report if the household desires such assistance; and
- (5) The consequences of not submitting a completed monthly report by the extended filing date.

(c) If the household does not verify earned income, the branch shall regard the household's report as incomplete, take action in accordance with subsections (a) and (b) and, if appropriate, terminate the household.

(d) For the food stamp program:

- (1) If the household is using actual utility costs to establish its shelter cost deduction and does not verify these actual utility expenses, those utility costs shall not be allowed when determining the shelter cost deduction.
- (2) If the household, which has elected to report changes to its medical expenses or reports changes of greater than \$25 in its allowable medical expenses, fails to verify the reported change, and that change, if allowed, would increase the household's allotment, the branch shall not make the change. The branch shall act on reported changes without requiring verification if the changes would decrease the household's allotment, or cause the household to be ineligible for food stamp assistance.
- (3) If the household does not report its legal obligation to pay child support or fails to provide the required verification of its child support payment, the branch shall not allow a child support deduction. [Eff 3/19/93; am 10/13/95] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37; HRS §346-14)

§17-650-9 Households not subject to monthly eligibility reporting. The following food stamp households shall not be subject to monthly eligibility reporting:

- (1) Migrant farmworker households while they are in the job stream;
- (2) Households in which all adult members are elderly or disabled as defined in section 17-663-1 and have no earned income;
- (3) Households whose members are all receiving financial assistance under the department's general assistance (GA) program who are not required to monthly report as a condition for receiving such assistance, and who are not receiving any earned or irregular unearned income, or who are not required to register for work in the food stamp program;

- (4) Households in which all members are homeless individuals; and
- (5) All other households not required to report in section 17-650-3. [Eff 3/19/93; am 8/19/96] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.21; 45 C.F.R. §§233.36, 233.37; HRS §346-14)